

REMARKS

Claims 2 to 21, 23 to 34, 36 to 44 remain pending without amendment. Claim 45 is added.

No new matter has been added through the amendments.

Claim rejections under 35 U.S.C. § 103(a)

Before discussing the specific rejections, the Applicant wants to review some important principles in a bingo or bingo-like game. Since the claimed invention comprises a game shared by a plurality of players, these explanations are limited to this type of game. In a classical bingo hall game, a plurality of distinct and unique cards bearing numbers (first random element) is sold to players before the beginning of each game. Once the sale period is over, balls, each bearing a unique number (second random element), are drawn, one at a time, and compared to the numbers appearing on each card, and thus until the ending game state, or predetermined pattern (line, X, T, full card, etc.) is achieved by a player. At this point, the game ends. Since all players should have equal chances to form the predetermined pattern, all the players must have a unique element, and share the other element, so that when comparing these random elements, a unique outcome is formed for each player, all these unique outcomes being comparable. In a classical bingo hall game, each card sold to a player is unique, and the numbers randomly drawn, the second random element, is the one shared by all the players. To reach this goal, the players must all play at the same time, after having bought their unique card(s), so that the drawing of numbers stop at the exact moment the ending game state is achieved.

This sequence of events has other consequences than just assuring that all players have equal chances of winning. Sharing a game, the players have a sense of community and fair and healthy competition. Since usually more than one game is played, a lot of players "make a night" of it and joint their friends for a "night in town" at the bingo hall, or at the casino. It also has a monetary advantage: since all cards are purchased before the beginning of the game, the bingo hall knows exactly how much money is available to give as

prizes, these prize values often being determined as a percentage of the card sale revenues. That is the reason why bingo games are often exploited by charities as a mean to gather money. Accordingly, the mathematical model and budgeting for this kind of bingo game is pretty simple: there is a winner who will go away with that percentage of the card sale revenues for that game.

On the other hand, there might be for certain players a disadvantage in having to play the game this way: they may prefer fast games that do not require a plurality of steps.

The chronology of events, in both Banyai (US 2001/0034262) and Itkis (US 2002/0094860), follows the same canvas than that of a bingo hall game: cards are sold and THEN numbers are drawn until an ending game state is achieved. In neither of these references is there any suggestion that the game may be played differently, according to a different sequence of events.

In Banyai, the mathematic model is really clearly copied on the bingo hall model: the wagers placed by the players are gathered into a pool and the prizes are paid from that pool, in accordance with the amounts wagered. Itkis, for its part, describes an apparatus used to play along or in place of the player in a bingo hall setting or to imitate a bingo hall setting. The apparatus daubs the card as the player would have and, when an ending game state is achieved, signals this information to the drawing apparatus, this apparatus working with or without the presence of a number caller. Itkis makes it even more apparent that the cards are all sold BEFORE the beginning of the game and BEFORE any number is drawn: "...the start of the next session may be delayed until the beginning of the next hour or until a certain level of sales for the next bingo session is achieved..." (paragraph [0058]).

In view of Banyai (US 2001/0034262 A1)

The Applicant submits that the claimed invention would not have been obvious in regards of Banyai on the following grounds:

Claim 41 comprises a game "having said current draw result remaining composed of a constant amount of said numbers" [emphasis added], Banyai does not teach nor suggest

such a limitation since more numbers are drawn when the initial draw (first four numbers) does not result in the achievement of the ending game state. Since new numbers may be drawn, the current draw, which comprises the numbers to compare to the game cards to determine whether or not a game ending state is achieved, is not composed of a constant amount of said numbers.

Likewise, the Applicant disagrees with the Office Action interpretation that the current draw in Banyai may be interpreted as the game card. Then it would mean that all players have the same card (since the current draw is shared by all players) and that they would purchase different drawings of numbers, which would be a little ridiculous since everything described in Banyai is at the effect that the random element shared by all players is "expandable" meaning more designations may be added to it if the ending state is not achieved with the initial draw. The Applicant submits that it would be a lot more difficult, and require development not disclosed nor suggested in Banyai to do so, to add numbers to the players' card (do not forget that only one common and identical card would be shared by all players).

Also, Banyai teaches that the numbers drawn when the ending game state is not achieved are added to those already drawn, meaning that the shared random element is built along the different drawings and not replaced as would happen if we were to try to adapt the claimed invention to the same sequence of events as in Banyai. In fact, the cards purchased by the players by placing play requests, replace the previously purchased cards, and are not added one to the other.

At this point, the Applicant submits and even states that the only "expandable" random element, as described earlier, is the numbers draw while the bingo cards, by their nature are not, once generated (printed, displayed, or by any other means distributed to the players) may not be modified by adding, removing or moving the designations they bear. In conclusion, if, as stated earlier, a bingo game, to be fair, needs an individual (meaning unique and non-replicated) random element and a shared or common random element, logic

and nature of these elements point naturally to the cards as being the individual random element, and the numbers drawn as being the shared or common random element.

Accordingly, Banyai cannot be read to describe or suggest a game wherein the random elements may be reversed since the game described by Banyai would not make any sense if such a substitution was made. In view of the above arguments, the Applicant respectfully requests that the rejection of claim 41 be withdrawn.

New claim 45 states that a new game begins before a card is generated, in contrast with what is described in Banyai. In fact, this claim clearly states that the current draw is formed before the generation of any card. Accordingly, once a game begins, at least two numbers are drawn and a current draw is formed. This current draw will be shared by all players playing the game. When a player wants to play, he/she places a play request, upon which a unique card is generated, associated with the play request and compared to the current draw to establish a game outcome. This game outcome is then evaluated to award a prize if the game outcome comprises a winning outcome according to a pay table, and on the other hand, to determine whether or not the ending game state is achieved. If the ending game state is achieved, the bingo game ends and the current draw will no longer be used to establish new game outcome. On the other hand, if the ending game state is not achieved, the current draw will be used to generate at least one more game outcome when the same player, or another player, places a new play request.

A game may be understood, by interpreting the claim, as being the events occurring from the beginning of the game and the formation of a current draw until an ending game state is achieved by a game outcome established by comparing a card to the current draw formed at the beginning.

A game play may be understood, by interpreting the claim, as being the events occurring from the reception of a play request and generation of a card, up to the double evaluation of the game outcome awarding of the prize corresponding to this evaluation. Accordingly, there may be a plurality of game plays in a game.

This sequence of event allows for short and rapid game plays, not requiring the player to remain at the gaming machine until the end of the game, and allowing different players to join and play the game at different moments. Moreover, since a plurality of games, and thus current draws, may co-exist in the system, a player may play one game play in one game, and the next game play in another game.

Banyai does not teach nor suggest this limitation. In fact, Banyai teaches away from a game wherein players may play the game at different moments, the sequence of events as described in this prior art reference narrowing the field as only allowing games wherein the players all play at the same time, and until the end of the game.

Accordingly, the Applicant respectfully submits that claim 45 would not have been obvious in regards with Banyai, and thus the claim should be allowed.

In view of Banyai (US 2001/0034262 A1) and Itkis et al. (US 2002/0094860)

The Applicant submits that since Itkis describes a game that applies the same game sequence having the same characteristics and consequences as Banyai, Itkis does not, in view of Banyai or by itself, render obvious the claim invention.

Accordingly, the Applicant respectfully submits that the rejections based on this reference should be withdrawn and the claims allowed.

The Applicant submits that all other claims rejected or otherwise allowable herein not discussed, are dependent upon claims deemed allowable by the Applicant or are deemed allowable by the Applicant according to the same arguments as discussed claims and thus should also be found allowable.

It is therefore submitted that the whole set of claims herein provided is in condition for allowance. Reconsideration of the Office Action's rejections is respectfully requested. Allowance of claims 2 to 21, 23 to 34, and 36 to 45 at an early date is solicited.

In the event that there are any questions concerning this Response to an Office Action or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

Respectfully,
Gérald Duhamel
By:

/C. Marc Benoit/
C. Marc Benoit
(Reg. No. 50,200)
Agent of Record
Benoit & Côté, s.e.n.c.
Tel: (514) 658-4844